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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,891	02/28/2002	Cynthia A. Wright	8254-001(45786.0001.4)	4166

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EXAMINER

SMITH, JAMES G

ART UNIT PAPER NUMBER

3765

DATE MAILED: 01/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,891

Applicant(s)

WRIGHT, CYNTHIA A.

Examiner

James G Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's arguments filed 12/29/2003 have been fully considered but they are not persuasive. With respect to Claim 1, Applicant states that the device of Franklin would not enable a user with only one extremity to position a hanger thereon for hanging or removing a garment without assistance, but then goes on to state that the device of Franklin simply prevents the hooked portion of the hanger from being dislodged. This statement seems to solidify the position of the Examiner that the device of Franklin provides a retaining means for suspending a garment thereon in which a user having only one extremity would be afforded the extra security of knowing that the hanger will not become dislodged while manipulating the garment. This is the invention of the instant application. With respect to Claim 2, the hanging bag being unstable has no bearing on the rejection of the Claim. Examiner should have more clearly stated that the base portion not in conjunction with the garment bag provides the hanger receptacle and has means for being secured to a stable object. With respect to Claim 3, the base portion is capable of being independently mounted such that it would be accessible to a user. With respect to Claim 6, the disclosure that the bar is generally round is believed to encompass ovals shaped. With respect to Claim 7, the cover portion does not state any criteria for how much coverage a cover must overlay the hanger receptacle. Therefore, the handle portion is believed to meet the Claim recitation. With respect to Claim 8, the cover is pivotally connected about the hanger bar and pivots opened and closed like a hinge. With respect to Claim 9, the cover portion is a handle. With respect to Claim 10, a cam follower pin locks the cover closed. With respect to Claims 4 and 5, the case to modify Franklin was not made clear in the previous Office Action. Franklin does teach mounting the base portion of the device being suspended on a vertical

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surface, but the base portion is shown to have attachment means and would be easily modified to be suspended from a vertical surface. It is well known that when in use a garment bag like the one disclosed by Franklin is suspended in a vertically upright position to enable the garments suspended therein to hang freely. Therefore, upon learning of the benefits of the base member disclosed by Franklin in addition to those benefits it provides to a garment bag it would have been obvious for one of ordinary skill in the art at the time of the invention to modify the base portion so that it can be fixedly attached to an horizontal member or a pedestal. The base portion is simply associated with a hanging bag in the Franklin reference; it is not limited to only use in a hanging bag.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin (5,180,057). With respect to Claim 1, the body portion 24 would enable a user with only one extremity to position a hanger thereon for hanging or removing a garment without assistance. The receptacle in the body portion is dimensioned and configured to receive and stabilize a conventional clothing hanger. With respect to Claim 2, the body portion has means (detail 24a) for suspending the device. With respect to Claim 3, the body portion's means (detail 24a) for

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suspending the device would provide the body portion of the device at a height accessible to the user. With respect to Claim 6, the receptacle inside the body portion is oval shaped. With respect to Claim 7, handle portion (detail 28) overlays the hanger receptacle securing a hanger inside the receptacle. With respect to Claim 8, the handle portion is rotatable about the rod means (detail 22). With respect to Claim 9, the handle portion serves as a cover portion. With respect to Claim 10, a cam follower pin locks the section 25 in the positions shown in Fig. 2 and Fig. 4 (col. 5, lines 21-24).

Allowable Subject Matter

4. Claims 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James G Smith whose telephone number is 703-605-4225. The examiner can normally be reached on 8:00-5:00, off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J Calvert can be reached on 703-305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-305-3590.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

JGS
1/12/2004


JOHN J. CALVERT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700